

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROSALIO ANGEL-ARRIAGA,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. [18-cv-01716-SI](#)

**ORDER ADOPTING REPORT AND  
RECOMMENDATION; AND  
DISMISSING ACTION WITHOUT  
PREJUDICE**

Re: Dkt. Nos. 8, 15

On June 29, 2018, Magistrate Judge Westmore issued a report and recommendation (the "Report") in this case. Dkt. No. 15. The Report recommends dismissing this case without prejudice for lack of jurisdiction. Pursuant to 28 U.S.C. § 636(b)(1), the parties had fourteen days from service of the Report to file written objections. *See also* Fed. R. Civ. P. 72(b). The parties did not file objections to the Report.

The Court has reviewed the Report and the docket in this case. The Court agrees with Judge Westmore's analysis; this Court does not have jurisdiction over plaintiff's claim and, as such, the case must be dismissed as premature. Accordingly, the Court ADOPTS the Report and Recommendation, and DISMISSES this action without prejudice.

**IT IS SO ORDERED.**

Dated: September 17, 2018



SUSAN ILLSTON  
United States District Judge